

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

REED SAILOLA,)	
)	CASE NO. 1:13-CV-00544 HG-RLP
Plaintiff,)	
vs.)	
)	
GILA, LLC, d/b/a MUNICIPAL SERVICES BUREAU,)	
)	DECLARATION OF RICHARD L.
Defendant.)	HOLCOMB
)	
)	
_____)	

DECLARATION OF RICHARD L. HOLCOMB

1. My name is Richard L. Holcomb. I am an attorney duly licensed to practice law in Hawai‘i. I am admitted to practice in this Court. I represent the Plaintiff, Reed Sailola, in the above-styled case.

2. I prepared the foregoing Memorandum in Opposition to Defendant’s Motion for Partial Summary Judgment [Doc. 94] and the Concise Statement of Facts in Opposition to Defendant’s Motion for Partial Summary Judgment [Doc. 95]. I believe that all factual averments in those documents are true.

3. As a Hawaii Attorney who has represented a number of clients in traffic and traffic crime cases in the District Courts for Hawaii, I am intimately familiar with eKokua. eKokua is Hawaii’s online system that allows any member of the

public to access records of traffic related crimes and citations and is accessible through the Hawaii State Judiciary's website.

4. I have attached as **Exhibit "A"** true and exact copies of selected Interactive Intelligence's marketing materials that are available online. On December 2, 2014, I accessed those materials at <http://www.inin.com/solutions/pages/predictive-dialer-software.aspx>.

5. I have attached as **Exhibit "B"** a true and exact copy of MSB's Deposition of Linda Tom Upon Written Interrogatories, which includes not only the Written Interrogatories, but also the subpoena duces tecum served upon the Hawaii Judiciary by MSB and the Judiciary's responsive documents. This document has been previously filed with this Court as Doc. 67-7.

6. I have attached as **Exhibit "D"** a true and exact copy of the Consumer Fact Sheet that was produced in discovery by MSB. This Document has been previously filed with this Court as Doc. 67-6.

7. I have attached as **Exhibit "E"** true and exact copies of the certified Notices of Entry of Judgment that resulted from Mr. Sailola's court proceedings in Case No. 1DTA-11-03671 on January 7, 2013 and June 6, 2013. I was able to obtain these documents by simply submitting a request to the Hawaii State Judiciary and believe that any member of the public can do the same.

8. I have attached as **Exhibit “F”** a true and exact copy of the eKokua printout of Case No. 1DTA-11-03671.

9. I have attached as **Exhibit “G”** a true and exact copy of the transcript of the December 6, 2012 proceedings in Case No. 1DTA-11-03671.

10. I have attached as **Exhibits “H”** and **“I”** transcripts of the January 7 and June 6, 2013 proceedings in Case No. 1DTA-11-03671. The audio recordings of those transcripts have been previously lodged in the record of this case. [Doc. 104]

11. I have attached as **Exhibit “J”** a true and exact copy of the General Docket for Docket Number 13-57152 in the Ninth Circuit Court of Appeals. That General Docket shows the events that occurred in the appeal of *Chyba v. First Fin. Asset Mgmt., Inc.*, No. 12-CV-1721-BEN (WVG), 2014 WL 1744136 (S.D. Cal. Apr. 30, 2014), upon which MSB relies in arguing that “good faith” should be a substitute for prior express consent.

12. I have attached as **Exhibit “K”** a true and exact copy of excerpts from the deposition of Defendant’s Rule 30(b)(6) representative, Aaron Million, on November 20, 2014. This Court has authorized the public filing of this Exhibit, [Doc. 106] and the excerpts have been publicly filed. [Doc. 108]

13. I have attached as **Exhibit “L”** a true and exact copy of excerpts from the from the Interaction Dialer for Administrators Classroom Manual created by

Interactive Intelligence, Inc. This Court has authorized the public filing of this Exhibit, [Doc. 106] and the excerpts have been publicly filed. [Doc. 108]

14. More than one month after having been specifically identified as outstanding discovery in a meet and confer between the parties and after any opportunity for meaningful use of the document in depositions, on December 17, 2014, my office finally received a copy of the proposal submitted by MSB to the Hawaii State Judiciary. I have attached as **Exhibit “M”** a true and exact copy of excerpts from that proposal.

I, Richard L. Holcomb, do declare under penalty of law that the fore-going is true and correct to the best of my knowledge.

DATED: Honolulu, Hawaii, December 19, 2014.

s/Richard L. Holcomb
Richard L. Holcomb
Attorney for Plaintiff